

Attorney's Docket: 1999US001
Serial No.: 09798,823
Group: 1751

REMARKS

The Office Action mailed August 11, 2004, has been carefully considered together with the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 16-32 and 35-50 are pending in this application. By this Amendment, Applicant has cancelled claims 40-50 without prejudice to filing a continuing application. Claims 16-32 and 35-38 remain pending in the Application.

Election/Restrictions

The Office has restricted the Application to one of the following inventions under 35 USC § 121:

- I. Claims 16-32, 35-39 drawn to a composition for pre-treating a cellulosic or cellulose bands with synthetic fiber, and to a textile treated by said composition, classified in class 8, subclass 116.1;
- II. Claims 40-50 drawn to an activating compound, classified in class 252, subclass 102.

For prosecution in this Application, Applicants elect claims 16-32, and 35-38, without traverse.

Claim Rejections Under 35 USC § 103

The Office has maintained the following rejections:

1. The rejection of claims 16-22, 26-28 and 35-38 under 35 USC § 103(a) as being unpatentable over Bragg (US 4,430,243);

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2. The rejection of claims 29-30 under 35 USC § 103(a) as being unpatentable over Bragg in view of Kravetz et al. (4,025,453); and
3. The rejection of claims 23-25 under 35 USC § 103(a) as being unpatentable over Bragg in view of Chapple et al. (US 5,536,441).

These rejections are respectfully traversed.

Concerning the §103 rejection of claims 16-22, 26-28 and 35-38 over Bragg, in column 14, Bragg discloses, in an example, constituents for a bleach catalyst composition. In lines 22-26, Bragg discloses that an exemplary bleach catalyst composition includes a co-polymer entitled Gantrez AN119. In disclosing the Gantrez AN119 polymer as a constituent for the bleach catalyst composition, Bragg states as follows:

Gantrez AN119: Trade Name for maleic anhydride-vinyl methyl ether co-polymer, believed to have an average molecular weight of about 240,000, marketed by GAF. This was prehydrolysed with NaOH before addition (underlining added).

The sentence underlined above, is the only place in Bragg where the use of NaOH is disclosed. As Applicants put forward in its previous Amendment faxed May 3, 2004, the NaOH is used to prehydrolyze a polymer. Also, as Applicants have previously asserted, it is readily understood by one with ordinary skill in the art that prehydrolysis using NaOH involves the use of a requisite amount of NaOH to completely hydrolyze the Gantrez AN119, but no more. From the reading of Bragg, it is clear that the reference is not disclosing the use of NaOH in a treatment bath as is claimed by Applicants, but in contrast, only as a means to pre-treat a polymer before its addition to the bleach catalyst composition.

There is nothing in Bragg which would teach, disclose, or suggest to one with ordinary skill in the art to use NaOH in textile treatment bath. Bragg discloses the use of NaOH to prehydrolyze a particular constituent for the bleach composition, but respectfully stated, this in no way teaches, discloses or suggests the placement of NaOH in the composition itself. One with ordinary skill having a knowledge of Bragg

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would entertain prehydrolyzing a particular polymer with NaOH, but, courteously stated, it goes beyond the teachings of Bragg to assert, as the Office continues to do, that such artisan would be motivated by Bragg to employ NaOH in the catalytic composition itself or, as is claimed herein by Applicants, in a textile treatment bath. A reading of Bragg does not support this contention.

In support of its maintenance of the rejection over Bragg, the Office puts forward the following position:

Although, NaOH is not taught as a constituent it is not through hindsight that one of ordinary skill in the art would be motivated to formulate a composition comprising sodium hydroxide in a textile treatment bath composition, since Bragg suggest the utility of sodium hydroxide in a composition for treating textile.

Applicants respectfully do not agree. Bragg does not "suggest the utility of sodium hydroxide in a composition for treating textile." Bragg does teach the use of sodium hydroxide as a prehydrolysis agent used to treat a polymer before its addition to the composition. Nowhere in the Bragg reference is it taught, suggested or disclosed to use NaOH in the composition itself. But rather, only to alter the structure of the polymer before it is placed in the composition. As Bragg does not, in any way, disclose the use of NaOH in the composition, respectfully stated, it can be from nothing but impermissible hindsight that one draws the conclusion that it would be obvious to use NaOH as a constituent in a textile treatment bath. For this reason, Applicants respectfully contend that there exists no motivation for one with ordinary skill in the art to arrive at the modification of Bragg as advanced by the Office, and that the such position is the product of impermissible hindsight gained by knowledge of Applicants' disclosure.

For at least this reason, Applicants are of the courteous position that claims 1B-22, 26-28 and 35-38 are not made obvious by Bragg.

Claims 29-30 stand rejected under 35 USC § 103(a) as being unpatentable over Bragg in view of Kravetz et al. As such claims depend indirectly from claim 16, for at least the reason advanced with respect to the § 103 rejection of claim 16 as

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being obvious over Bragg, it is respectfully contended that claims 28 and 30 are not made obvious by any combination of Bragg in view of Kravetz et al.

Claims 23-25 stand rejected under 35 USC § 103(a) as being unpatentable over Bragg in view of Chapple et al. As claims 23-25 depend, directly or indirectly, from claim 18, for at least the least reason advanced with respect to the § 103 rejection of claim 18 over Bragg, it is respectfully contended that claims 23-25 are not made obvious by any combination of Bragg in view of Chapple et al.

In view of the foregoing remarks, Applicants contend that the § 103 rejections have been traversed, and therefore solicit reconsideration and withdrawal of the rejections.


Allowable Subject Matter

The Office states that claims 31 and 32 and 39 are allowable.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the foregoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


Anthony A. Bisulca
Attorney for Applicant
Registration No. 40,913

(CUSTOMER NUMBER 25,255)

Clariant Corporation
Industrial Property Department
4000 Monroe Road
Charlotte, North Carolina 28205
Phone: (704) 331-7151
Fax: (704) 331-7707